IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4227 of 2007(A)

CRIME NO.674 OF 2007 OF KARUNAGAPPALLY POLICE STATION

: ACCUSED NOS. 1 AND 2:

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1. AJITH KUMAR, 'RASHMI VEETTIL',
THEKKUM MURIYIL, THAZHAVA VILLAGE, KARUNAGAPPALLY.

2. INDIRA, 'RASHMI VEETTIL',
THEKKUM MURIYIL, THAZHAVA VILLAGE, KARUNAGAPPALLY.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. SUB-INSPECTOR OF POLICE,
KARUNAGAPPALLY POLICE STATION, KARUNAGAPPALLY.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4227 of 2007

Dated this the 12th day of July, 2007

ORDER

Application for anticipatory bail. Petitioners are the husband and mother in law of the defacto complainant. The petitioners face allegations, inter alia, under Section 498 A I.P.C. Investigation is in progress. Petitioners apprehend imminent arrest.

2. The marriage between the 1st petitioner and the defacto complainant was allegedly a love marriage. The spouses have been blessed with a child in the marriage. There is some strain in the matrimonial relationship. According to the petitioners, such strain in the matrimony is prompting the defacto complainant to make wild and reckless allegations against the petitioners. The petitioners do not deserve to suffer the trauma of arrest and incarceration. Appropriate directions may be issued, it is prayed.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail and I am satisfied in the facts and circumstances that appropriate directions can be issued in favour of the petitioners under Section 438 Cr.P.C. It is not necessary for me to advert to facts in any greater detail in this order.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 19.07.2007. They shall be enlarged on regular bail on

their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 20.07.2007 and 21.07.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 19.07.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 19.07.07.

(R.BASANT, JUDGE)

rtr/-